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EXAMINER

NGUYEN, NHON D

ART UNIT	PAPER NUMBER
2174	7

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/750,429

Applicant(s)

KROLCZYK ET AL.

Examiner

Nhon (Gary) D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to Amendment A, filed 10/07/2003.
2. Claims 1-20 are pending in this application. Claims 1, 15, 17, and 20 are independent claims. In the Amendment A, claims 1, 15, 17, 19, and 20 are amended. This action is made final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 9-18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Motamed et al. ("Motamed", US 6,549,300).

As per independent claim 1, Motamed teaches a document processing system having a user interface for creating a plurality of tabbed pages within said document, each tabbed page carrying an individual tab, said user interface comprising:

a tab data entry frame facilitating entry of tab data, including a total number of said tabbed pages in said document (166 of fig. 8) and a number of unique tab positions to format said tabbed pages (164 of fig. 8), and entry of tab content for each associated tab (62 and 169 of fig. 8); and

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a page preview frame showing a tab layout of the unique tab positions for formatted tabbed pages and said tab content entered for each associated tab (fig. 10).

As per claim 2, which is dependent on claim 1, Motamed teaches the user interface allows all of the tab data and tab content to be entered at one time (fig. 8).

As per claim 3, which is dependent on claim 1, Motamed teaches the user interface allows said tab content to be entered during creation of a document (col. 5, lines 41-46).

As per claim 4, which is dependent on claim 1, Motamed teaches the page preview frame shows an accurate image of said tabbed page with said tab content (fig. 10).

As per claim 5, which is dependent on claim 1, Motamed teaches the page preview frame shows an accurate image of a plurality of said tabbed pages with a corresponding plurality of said tab content (fig. 10).

As per claim 9, which is dependent on claim 1, wherein Motamed teaches the tab content includes merged fields (*Tab Media Name, Tab Font Type, and Tab Font Size* of fig. 13).

As per claim 10, which is dependent on claim 1, it is inherent in Motamed's system that the user interface is adapted to compensate for deleted tabbed pages.

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As per claim 11, which is dependent on claim 1, it is inherent in Motamed's system that the user interface is adapted to automatically accommodate a change in tab data involving a change in tab modulus.

As per claim 12, which is dependent on claim 1, Motamed teaches the user interface is adapted to digitize tab content (col. 6, lines 21-25).

As per claim 13, which is dependent on claim 1, it is inherent in Motamed's system that the user interface is adapted to justify tab content on said tab.

As per claim 14, which is dependent on claim 1, Motamed teaches a personal computer hosts said user interface (col. 2, lines 22-37).

As per independent claim 15, Motamed teaches a document processing system, comprising:

a user interface to automatically configure tabbed pages within a document having a plurality of pages to partition said pages into sections (col. 5, line 41 – col. 6, line 40); and
an output device for processing said document including said tabbed pages said partitioned sections (108 of fig. 1).

As per claim 16, which is dependent on claim 15, Motamed teaches:

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a personal computer for hosting said user interface; and a network coupling said personal computer to said output device (fig. 1).

As per independent claim 17, Motamed teaches an automated method for processing a document having tabbed pages, said method comprising the steps of:

Entering tab modulus data including a number of unique tab positions;

receiving entered tab modulus data; determining a location of a tab on each of said tabbed pages based on received modulus data; receiving tab content; and positioning tab content onto said tab (col. 4, lines 35-42).

As per claim 18, which is dependent on claim 17, Motamed teaches the step of positioning tab content involves rotating said tab content for placement on said tab (col. 6, lines 21-25).

As per independent claim 20, Motamed teaches a storage medium for use in an electronic device, said medium holding instructions for performing an automated method for processing a document having precut tabbed pages, comprising the steps of:

assigning tabs and tabs properties to the precut pages tabs to generate a stock of the tabs, including: entering tab modulus including a total number of tabbed pages in said document and a location of each tab (164 and 166 of fig. 8); creating a list of tab contents including at least one of a text and graphics to be printed on each tab (62 of fig. 8); entering an orientation (180 of fig.

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8) and properties to be applied to the tab content of each tab, which properties include font and font size (fig. 13);

formatting said document including:

receiving tab modulus data of the tab stock, determining a location of each printable tab based on said received tab stock modulus (164 and 166 of fig. 8; col. 5, line 51 – col. 6, line 16),

receiving tab content for each tab, positioning said received tab content onto an associated tab based on said tab properties assigned to said associated tab (col. 5, lines 48-50 and col. 6, lines 21-24),

receiving data identifying locations of said tabbed pages in said document, and automatically determining the locations of said tabbed pages in said document to reflect most recently entered tab stock modulus (col. 6, line 41 – col. 7, line 31); and

transmitting said document to a printing device (col. 4, lines 35-42 and col. 7, line 37).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motamed in view of Tonomura et al ("Tonomura", US 6,571,054).

As per claim 6, which is dependent on claim 1, Motamed does not disclose the user interface is adapted to receive data pertaining to a location of said tabbed pages in a document to

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allow for automated insertion of said tabbed pages. Tonomura discloses a tag table to receive location data of page tags for displaying in an Electric Image Book (122 D of fig. 9; col. 11, line 13-15). It would have been obvious to an artisan at the time of the invention to use the teaching from Tonomura of a tag table to receive location data of page tags for displaying in an Electric Image Book in Motamed's system since it would allow the user to specify where to insert a tab in a document.

As per claim 19, which is dependent on claim 17, it is rejected under the same rationale as claim 6.

7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motamed.

As per claims 7 and 8, which are dependent on claims 1 and 7 respectively, Motamed teaches tab content comprises tab text color (col. 7, lines 60-65); however, Motamed does not disclose the tab content comprises a color graphic. The Examiner takes Official Notice that a color graphic content such as an icon is well known in computer art. It would have been obvious to an artisan at the time of the invention to include a color graphical icon in Motamed's tab content since it would allow the user to recognize tab contents easily without reading the text.

Response to Arguments

8. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Inquiries

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is 703-305-8318. The examiner can normally be reached on Monday - Friday from 8 AM to 5:30 PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nhon (Gary) Nguyen
December 18, 2003

Kristine Kincaid
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